



EA 95-253

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

November 9, 1995

Mr. Darryl R. Zdanavage

ADDRESS DELETED
UNDER 2.790

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE BASED ON SECRETARY OF LABOR
DECISION AND ORDER OF REMAND

Dear Mr. Zdanavage:

On October 20, 1995, the Secretary of Labor (SOL) issued a Decision and Order of Remand that indicated one of your subordinates at Susquehanna was discriminated against by the Pennsylvania Power & Light Company (PP&L) for raising concerns regarding a security matter while performing his duties at Susquehanna (Reference 94-ERA-32). The employee filed his complaint with the Department of Labor on June 13, 1994, alleging that he received lower performance ratings for reporting misconduct by you to the NRC in September 1992.

Based on the SOL finding, it appears that a violation of 10 CFR 50.7 occurred. Accordingly this apparent violation is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381; June 30, 1995). Accordingly, no Notice of Violation is presently being issued.

A predecisional enforcement conference, which will be transcribed, to discuss this apparent violation will be scheduled through the licensee at a mutually agreeable time to be held in the NRC Region I office in King of Prussia, PA. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors concerning our understanding of this issue and for you to provide any information concerning your perspectives on 1) the severity of the violation, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

An enforcement conference with the licensee, Pennsylvania Power and Light Company, will be held immediately prior to the enforcement conference with you. You should be in attendance and available for questioning at both conferences. Portions of the questioning of you at the conference with the licensee may be conducted without the presence of licensee representatives, in order to preclude any perception of duress being imposed on you by your

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Mr. D. R. Zdanavage

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